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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,294	03/02/2004	James B. Hopkins	10801-48US	3847
570 7590 09/20/2007 AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103			EXAMINER LIU, LIN	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/792,294

Applicant(s)

HOPKINS ET AL.

Examiner

Lin Liu

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is responsive to communications filed on 03/02/2004.

Claims 1-21 are pending and have been examined.

#### *Claim Objections*

2. Claims 6 and 14 are objected to because of the following informalities: the instant claims recite the limitation "the logic". There is insufficient antecedent basis for this limitation in the claims. For the purpose of examination, examiner treats it as "a logic".

Appropriate correction is required.

#### *Specification*

3. The disclosure is objected to because of the following informalities: on page 3, line 15, applicant refers to the schematic block diagram of Fig. 2, but the specification indicates "Figure 1 shows...". This should be corrected to "Figure 2 shows...".

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

4. Claims 1-7, 9-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant **Admitted Prior Art**. Admission [See MPEP § 704.11 (a), section (s), paragraph 4] in view of **Microsoft (Windows 2000 Web and Application Services Technical Overview)** hereinafter **Win2k**.

With respect to **claim 1**, Admission discloses a method of executing a remote server-based application offline on a local computer, the method comprising:

(a) providing on the local computer (Admission, fig. 1, remote server):

(i) an application (Admission, fig. 1, Application 18),

(ii) an application server which executes the application (Admission, fig. 1, and page 1, paragraph 0005, Application server 18).

However, Admission does not explicitly disclose that the remote server provides an application server manager.

In the same field of endeavor, Microsoft discloses an application server manager (Win2k, page 2, Internet Information Server 5.0 section, noted that Windows 2000 server product comes standard with the Internet explorer) in Windows 2000 server.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to implement the remote server with Windows 2000 server with the Internet explorer feature in exploring the application server by a web administrator to start and stop the application server, thereby starting and stopping the application so that the locally executed application is experienced in the same manner as if the application was executed via a remote server. A person of ordinary skill in the art at the time of the invention would have been motivated to implement the remote server with the Windows 2000 server with the advantage being that since Microsoft Windows 2000 server is well known and popular in the field and also it provides high security for the servers. (Win2k, Security Improvements section).

With respect to **claim 2**, Admission discloses the method of claim 1 wherein the local computer further provides: (iv) application content for use by the application (Admission, fig. 1, and page 1, paragraph 0005, Application content 22).

With respect to **claim 3**, Admission discloses the method of claim 2 wherein the application is a simulation engine (Admission, fig. 1, and page 1, paragraph 0005) and the application content is simulation content (Admission, fig. 1, and page 1, paragraph 0005, simulation files).

With respect to **claim 4**, Admission does not explicitly disclose that the application server manager is a browser shell.

In the same field of endeavor, Microsoft discloses a browser shell (Win2k, page 2, Internet Information Server 5.0 section, noted that Windows 2000 server product comes standard with the Internet explorer) in Windows 2000 server.

With respect to **claim 5**, Admission does not explicitly disclose that the browser shell includes: (A) a browser, and (B) software for managing the application server.

In the same field of endeavor, Microsoft discloses (A) a browser, and (B) software for managing the application server. (Win2k, page 2, Internet Information Server 5.0 section, noted that Windows 2000 server product comes standard with the Internet explorer) in Windows 2000 server.

With respect to **claim 6**, Admission does not explicitly disclose that the application server manager is a browser application and a logic for the application server manager is embedded in a plug-in application.

In the same field of endeavor, Microsoft discloses a browser application and a logic for the application server manager is embedded in a plug-in application (Win2k, page 2, Internet Information Server 5.0 section, noted that Windows 2000 server product comes standard with the Internet explorer) in Windows 2000 server.

With respect to **claim 7**, Admission teaches the method of claim 1 wherein the application is a simulation engine (Admission, fig. 1, and page 1, paragraph 0005).

In regard to **claims 9-15**, the limitations of this claim are substantially the same as those in claims 1-7. Therefore the same rationale for rejecting claims 1-7 is used to reject claims 9-15. By this rationale **claims 9-15** are rejected.

In regard to **claims 17-20**, the limitations of this claim are substantially the same as those in claims 1-7. Therefore the same rationale for rejecting claims 1-7 is used to reject claims 17-20. By this rationale **claims 17-20** are rejected.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims **1-21** are rejected under 35 U.S.C 102 (e) as being anticipated by

**Altenhofen et al. (Publication no.: US 2003/0232318 A1).**

With respect to **claim 1**, Altenhofen teaches a method of executing a remote server-based application offline on a local computer (Altenhofen, abstract), the method comprising:

(a) providing on the local computer (Altenhofen, fig. 8, learning station 610):

(i) an application (Altenhofen, fig. 8, page 2, paragraph 40 and page 6, paragraph 82, noted the Flash player and offline player),

(ii) an application server which executes the application (Altenhofen, fig. 8, page 6, paragraph 82, learning station), and

(iii) an application server manager (Altenhofen, page 2, paragraph 38, page 5, paragraph 76 and page 8, paragraph 114, noted the browser).;

(b) using the application server manager to manage the application server so as to start and stop the application server (Altenhofen, page 10, paragraph 145, noted that the player interacts with browser to start the training course at learning station), thereby starting and stopping the application so that the locally executed application is experienced in the same manner as if the application was executed via a remote server (Altenhofen, page 6, paragraphs 80 and 82, noted that the offline course is processed without requiring connection).

With respect to **claim 2**, Altenhofen teaches the method of claim 1 wherein the local computer further provides: (iv) application content for use by the application

(Altenhofen, page 2, paragraph 36, and page 7, paragraph 97, noted the training course).

With respect to **claim 3**, Altenhofen teaches the method of claim 2 wherein the application is a simulation engine (Altenhofen, fig. 8, page 2, paragraph 40 and page 6, paragraph 82, noted the Flash player and offline player) and the application content is simulation content (Altenhofen, page 2, paragraph 36, and page 7, paragraph 97, noted the training course).

With respect to **claim 4**, Altenhofen teaches the method of claim 1 wherein the application server manager is a browser shell (Altenhofen, page 2, paragraph 38, page 5, paragraph 76 and page 8, paragraph 114, noted the browser).

With respect to **claim 5**, Altenhofen teaches the method of claim 4 wherein the browser shell includes: (A) a browser (Altenhofen, page 5, paragraph 76), and (B) software for managing the application server (Altenhofen, page 5, paragraph 76, noted the Flash and plug-in software).

With respect to **claim 6**, Altenhofen teaches the method of claim 1 wherein the application server manager is a browser application (Altenhofen, page 5, paragraph 76) and a logic for the application server manager is embedded in a plug-in application (Altenhofen, page 5, paragraph 76, noted the plug-in software).

With respect to **claim 7**, Altenhofen teaches the method of claim 1 wherein the application is a simulation engine (Altenhofen, fig. 8, page 2, paragraph 40 and page 6, paragraph 82, noted the Flash player and offline player).



With respect to **claim 8**, Altenhofen teaches the method of claim 1 further comprising: (c) disabling any multi-user capability of the application server (Altenhofen page 8, paragraphs 106-107, noted that the learning station switches to offline mode).

In regard to **claims 9-16**, the limitations of this claim are substantially the same as those in claims 1-8. Therefore the same rationale for rejecting claims 1-8 is used to reject claims 9-16. By this rationale **claims 9-16** are rejected.

In regard to **claims 17-21**, the limitations of this claim are substantially the same as those in claims 1-8. Therefore the same rationale for rejecting claims 1-8 is used to reject claims 17-21. By this rationale **claims 17-21** are rejected.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Mathiske et al. (Publication no.: US 2004/0064300 A1) discloses a method for starting simulation of a computer system from a process checkpoint within a simulator.
- Walsh et al. (Publication no.: US 2004/0117170 A1) discloses a Web Simulator.
- Kleyer (publication no.: US 2003/0033133 A1) discloses a simulation system.
- Moosburger et al. (publication no.: US 2004/0107085 A1) discloses a simulation Player.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447.

The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L. Liu  
09/14/2007

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER